Supreme Court, U.S.
FILED
JAN 25 1990
JOSEPH F. SPANIOL, JR.
CLERK

No. 89-1114

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1989

BETTY DONALDSON, DERYL W. DONALDSON and CHARLES M. ELLER, as Executor of the Estate of FAYE RAYE ELLER, deceased,

Petitioners,

No. 84-L-73 and 85-L-169

vs.

HOPKINS TOWNSHIP, ILLINOIS, a municipal corporation, and WHITESIDE COUNTY, ILLINOIS, a municipal corporation,

Respondents.

BRIEF ON BEHALF OF HOPKINS TOWNSHIP, A MUNICIPAL CORPORATION, OPPOSING CERTIORARI

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REASONS WHY THE WRIT SHOULD BE DENIED:

I

This Court has no jurisdiction over Hopkins Township. No federal question was raised in the State Court, nor is it raised in this Court, as to Hopkins Township.

Supreme Court Rule 14.1(h).

Cardenale v. Louisiana, 394 U.S. 437, 22 L.Ed.2d 398, 89 S.Ct. 1162.

Tacon v. Arizona, 410 U.S. 351, 35 L.Ed.2d 346, 93 S.Ct. 998.

II

Although Hopkins Township, against whom separate causes of action were filed, is a respondent to the Petition, neither in the Statement of the Case nor in the Argument for Granting the Writ do petitioners support their request that this Court grant Writ of Certiorari as it pertains to Hopkins Township. Hopkins Township is not mentioned in the Petition

except in the caption and to identify the location of Hazel Road.

Therefore, the Petition for Writ of Certiorari as to Hopkins Township, a municipal corporation, should be denied.

Respectfully submitted,

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